

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSE MARTINEZ & ARIEL REYES, on behalf of :
themselves and all others similarly situated, :
 : 09 Civ. 1542 (BSJ) (AJP)
 :
Plaintiffs, : RULE 16 IPTC SCHEDULING ORDER
 :
-against- :
 :
NICK LARIZZA & NICK LARIZZA MASONRY, INC., :
 :
Defendants. :
 :
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ANDREW J. PECK, United States Magistrate Judge:

Pursuant to Rule 16, Fed. R. Civ. P., IT IS HEREBY ORDERED THAT:

1. Any motion to join parties or amend the pleadings must be made by April 15, 2009.
2. All fact and expert discovery must be completed by July 23, 2009. Expert reports must be served by June 15, 2009 plaintiffs, July 10, 2009 defendants. Mandatory initial disclosure pursuant to Rule 26(a)(1), Fed. R. Civ. P., is due April 15, 2009.
3. Each party will notify this Court (and the District Judge) by July 27, 2009 as to whether it intends to move for summary judgment. Summary judgment motions must be filed by August 14, 2009, and must comply with the Federal Rules of Civil Procedure, the

Local Rules of this Court, and the chamber rules of the District Judge to whom this case is assigned.

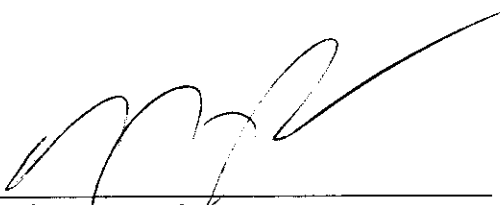
4. The parties are to submit a joint proposed pretrial order, in conformance with the Federal Rules of Civil Procedure, the Local Rules of this Court, and the chamber rules of the District Judge to whom this case is assigned, by August 14, 2009 if neither party is moving for summary judgment, or 30 days after decision on the summary judgment motion. The case will be considered trial ready on 24-hours notice after the pretrial order has been submitted.

5. A status conference will be held before the undersigned on April 28, 2009 at 11:30 a.m. in Courtroom 20D (500 Pearl Street).

6. The parties are directed to follow the "Individual Practices of Magistrate Judge Andrew J. Peck," a copy of which is enclosed.

SO ORDERED.

DATED: New York, New York
March 23, 2009



Andrew J. Peck
United States Magistrate Judge

Copies by fax & ECF to: Robert L. Kraselnik, Esq.
Michael Fuller Sirignano, Esq.
Judge Barbara S. Jones